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SUBJECT: Kenya Weary of Taking More Pirates

REF: 10 STATE 17245

¶1. On February 24 Post's Resident Legal Advisor (RLA) informed the Kenyan Director of Public Prosecutions (DPP) of the facts of the case of eight suspected pirates apprehended by the U.S. Navy on February 11. The RLA also notified the DPP that the U.S. is discussing the case with the Tanzanian authorities in the hope that Tanzania will accept the prosecution of this case, and he provided the DPP with the preliminary evidence package in the event Tanzania does not take the case and the U.S. is required to seek an alternative venue.

¶2. On February 26 Post, per reftel instructions, also informed Ben Ogutu, MFA Director of Political Affairs, that the United States is requesting the Government of Tanzania to take the case, but if Tanzania is unwilling or unable to do so the United States may need to request the GOK to take the case for prosecution. We also encouraged the GOK to contact their Tanzanian counterparts and urge them to prosecute the case.

¶3. Ogutu told us that the Kenyan government, at the highest levels, has expressed very strong reservations about continuing to take piracy cases while other nations refuse to do so. "Other nations are dilly dallying," he said, and in the meantime Kenya is finding it increasingly hard to accept that others are not accepting their responsibilities. Ogutu was non-committal on how Kenya would reply to a U.S. request pertaining to the prosecution of this case, but he said he would pass along the information to the appropriate authorities. He added that Kenya will be very interested in learning why Tanzania would reply negatively to the U.S. request.
RANNEBERGER